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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Naomi NODA et al.

Group Art Unit: 1754

Serial No.: 09/735,930

Examiner: Cam N. Nguyen

Filed: December 14, 2000

For: CATALYST BODY

PETITION UNDER 37 CFR 1.181 TO WITHDRAW
FINALITY OF OFFICE ACTION

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

PLEASE ACCEPT THIS AS
AUTHORIZATION TO DEBIT
OR CREDIT FEES TO
DEP. ACCT. 16-0331
PARKHURST & WENDEL

Sir:

Applicants petition to withdraw the finality of the Office
Action mailed September 16, 2003.

An Amendment was filed June 27, 2003 accompanying a request
for continued examination under 37 CFR 1.114 wherein applicants
further amended the only independent claim (1) to recite that the
catalyst body also comprised a heat-resistant inorganic oxide and
a noble metal loaded thereon. Arguments in support of the
patentability of the claims as amended were presented in the
Remarks portion of that Amendment.

Serial No. 09/735,930

The Examiner stated at page 8 of the September 16, 2003 Office Action that the claims are drawn to the same invention claimed in the earlier case and could have been finally rejected on the grounds and art of record in the next Office Action had they been entered earlier in the case. Applicants note also that (1) there was a very lengthy interview held with the Examiner on May 13, 2003, (2) the claims as revised present for consideration issues different from those in the prior Final Rejection of January 27, 2003, and (3) those changes were presented to address comments made and concerns expressed by the Examiner during the May 13, 2003 interview. There is a change in claim scope sufficient to entitle applicants to regular examination here. The finality of the Office Action is premature and it should be withdrawn.

A grant of the petition is earnestly solicited.

Serial No. 09/735,930

The USPTO is authorized to debit Deposit Account No. 16-0331
for any fees required for consideration of this paper.

Respectfully submitted,

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Date

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